

Union Calendar No. 296

107TH CONGRESS
2D SESSION

H. R. 1979

[Report No. 107-496]

To amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2001

Mr. WICKER introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

JUNE 6, 2002

Additional sponsors: Mr. DELAY, Mr. MORAN of Kansas, Mr. PICKERING, Mr. SHOWS, Mr. RYUN of Kansas, Mr. JONES of North Carolina, Mr. WELDON of Florida, Mrs. THURMAN, Mr. THORNBERRY, Mr. FROST, Mr. ENGLISH, Mr. GOODE, Ms. HART, Mr. BISHOP, Mr. LAHOOD, Mr. ADERHOLT, Mr. KINGSTON, Mr. PETERSON of Pennsylvania, Mr. BONILLA, Mr. TIAHRT, Mr. MCHUGH, Mr. BARTLETT of Maryland, Mr. STUMP, Mr. NETHERCUTT, Mr. DEMINT, Mr. CANNON, Mr. HUTCHINSON, Mr. HERGER, Ms. HOOLEY of Oregon, Mr. GIBBONS, Mr. HOLDEN, Mr. PASTOR, Mrs. CUBIN, Mr. MCCREERY, Mr. WELLER, Mr. EVANS, Mr. WATTS of Oklahoma, Mr. DOOLITTLE, Mr. FLAKE, Mr. SIMPSON, Mr. REHBERG, Mr. THOMPSON of Mississippi, Mr. KIRK, Mr. UDALL of Colorado, Mr. WATKINS, Mr. COOKSEY, Mr. KELLER, Mr. HALL of Texas, Mr. GORDON, Mr. TAYLOR of Mississippi, Mr. SHAW, Mr. HAYWORTH, Mr. HASTINGS of Washington, Mrs. MINK of Hawaii, Mr. ABERCROMBIE, Mr. SKELTON, Mr. STENHOLM, Mr. CANTOR, Mr. MOORE, Mr. WILSON of South Carolina, Mr. BROWN of South Carolina, Mr. PORTMAN, Mr. KOLBE, Mr. OSBORNE, Mr. ROSS, Mr. BOOZMAN, Mr. NORWOOD, Mr. PENCE, Mrs. MEEK of Florida, Ms. MCKINNEY, Mr. JOHNSON of Illinois, Mr. RYAN of Wisconsin, Mr. BARTON of Texas, Mr. BLUMENAUER, Mr. BALLENGER, Mrs. WILSON of New Mexico, Mr. BARR of Georgia, Ms. DUNN, Mr. SIMMONS, and Mr. HAYES

JUNE 6, 2002

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on May 23, 2001]

A BILL

To amend title 49, United States Code, to provide assistance
for the construction of certain air traffic control towers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Small Airport Safety,*
5 *Security, and Air Service Improvement Act of 2002”.*

6 **SEC. 2. INCLUSION OF TOWERS IN AIRPORT DEVELOPMENT.**

7 *Section 47102(3) of title 49, United States Code, is*
8 *amended by adding at the end the following:*

9 *“(M) constructing an air traffic control*
10 *tower or acquiring and installing air traffic con-*
11 *trol, communications, and related equipment at*
12 *an air traffic control tower under the terms spec-*
13 *ified in section 47124(b)(4).”.*

14 **SEC. 3. CONSTRUCTION OF AIR TRAFFIC CONTROL TOW-**
15 **ERS.**

16 *(a) IN GENERAL.—Section 47124(b)(4) of title 49,*
17 *United States Code, is amended to read as follows:*

1 “(4) CONSTRUCTION OF AIR TRAFFIC CONTROL
2 TOWERS.—

3 “(A) GRANTS.—*The Secretary may provide*
4 *grants to a sponsor of—*

5 “(i) a primary airport—

6 “(I) *from amounts made available*
7 *under sections 47114(c)(1) and*
8 *47114(c)(2) for the construction or im-*
9 *provement of a nonapproach control*
10 *tower, as defined by the Secretary, and*
11 *for the acquisition and installation of*
12 *air traffic control, communications,*
13 *and related equipment to be used in*
14 *that tower;*

15 “(II) *from amounts made avail-*
16 *able under sections 47114(c)(1) and*
17 *47114(c)(2) for reimbursement for the*
18 *cost of construction or improvement of*
19 *a nonapproach control tower, as de-*
20 *finied by the Secretary, incurred after*
21 *October 1, 1996, if the sponsor com-*
22 *plied with the requirements of sections*
23 *47107(e), 47112(b), and 47112(c) in*
24 *constructing or improving that tower;*
25 *and*

1 “(III) from amounts made avail-
2 able under sections 47114(c)(1) and
3 47114(c)(2) for reimbursement for the
4 cost of acquiring and installing in that
5 tower air traffic control, communica-
6 tions, and related equipment that was
7 acquired or installed after October 1,
8 1996; and

9 “(ii) a public-use airport that is not a
10 primary airport—

11 “(I) from amounts made available
12 under sections 47114(c)(2) and
13 47114(d) for the construction or im-
14 provement of a nonapproach control
15 tower, as defined by the Secretary, and
16 for the acquisition and installation of
17 air traffic control, communications,
18 and related equipment to be used in
19 that tower;

20 “(II) from amounts made avail-
21 able under sections 47114(c)(2) and
22 47114(d)(3)(A) for reimbursement for
23 the cost of construction or improvement
24 of a nonapproach control tower, as de-
25 fined by the Secretary, incurred after

1 *October 1, 1996, if the sponsor com-*
2 *plied with the requirements of sections*
3 *47107(e), 47112(b), and 47112(c) in*
4 *constructing or improving that tower;*
5 *and*

6 *“(III) from amounts made avail-*
7 *able under sections 47114(c)(2) and*
8 *47114(d)(3)(A) for reimbursement for*
9 *the cost of acquiring and installing in*
10 *that tower air traffic control, commu-*
11 *nications, and related equipment that*
12 *was acquired or installed after October*
13 *1, 1996.*

14 *“(B) ELIGIBILITY.—An airport sponsor*
15 *shall be eligible for a grant under this paragraph*
16 *only if—*

17 *“(i)(I) the sponsor is a participant in*
18 *the Federal Aviation Administration con-*
19 *tract tower program established under sub-*
20 *section (a) and continued under paragraph*
21 *(1) or the pilot program established under*
22 *paragraph (3); or*

23 *“(II) construction of a nonapproach*
24 *control tower would qualify the sponsor to*
25 *be eligible to participate in such program;*

1 “(ii) the sponsor certifies that it will
2 pay not less than 10 percent of the cost of
3 the activities for which the sponsor is receiv-
4 ing assistance under this paragraph;

5 “(iii) the Secretary affirmatively ac-
6 cepts the proposed contract tower into a
7 contract tower program under this section
8 and certifies that the Secretary will seek fu-
9 ture appropriations to pay the Federal
10 Aviation Administration’s cost of the con-
11 tract to operate the tower to be constructed
12 under this paragraph;

13 “(iv) the sponsor certifies that it will
14 pay its share of the cost of the contract to
15 operate the tower to be constructed under
16 this paragraph; and

17 “(v) in the case of a tower to be con-
18 structed under this paragraph from
19 amounts made available under section
20 47114(d)(2) or 47114(d)(3)(B), the Sec-
21 retary certifies that—

22 “(I) the Federal Aviation Admin-
23 istration has consulted the State with-
24 in the borders of which the tower is to
25 be constructed and the State supports

1 *the construction of the tower as part of*
 2 *its State airport capital plan; and*

3 “(II) *the selection of the tower for*
 4 *funding is based on objective criteria,*
 5 *giving no weight to any congressional*
 6 *committee report, joint explanatory*
 7 *statement of a conference committee, or*
 8 *statutory designation.*

9 “(C) *LIMITATION ON FEDERAL SHARE.—*
 10 *The Federal share of the cost of construction of*
 11 *a nonapproach control tower under this para-*
 12 *graph may not exceed \$1,100,000.”.*

13 (b) *CONFORMING AMENDMENTS.—Section 47124(b) of*
 14 *such title is amended—*

15 (1) *in paragraph (3)(A) by striking “Level I air*
 16 *traffic control towers, as defined by the Secretary,”*
 17 *and inserting “nonapproach control towers, as de-*
 18 *defined by the Secretary,”; and*

19 (2) *in paragraph (3)(E) by striking “Subject to*
 20 *paragraph (4)(D), of” and inserting “Of”.*

21 (c) *SAVINGS CLAUSE.—Notwithstanding the amend-*
 22 *ments made by this section, the 2 towers for which assist-*
 23 *ance is being provided on the day before the date of enact-*
 24 *ment of this Act under section 47124(b)(4) of title 49,*
 25 *United States Code, as in effect on such day, may continue*

1 *to be provided such assistance under the terms of such sec-*
 2 *tion.*

3 **SEC. 4. NONAPPROACH CONTROL TOWERS.**

4 *(a) IN GENERAL.—The Administrator of the Federal*
 5 *Aviation Administration may enter into a lease agreement*
 6 *or contract agreement with a private entity to provide for*
 7 *construction and operation of a nonapproach control tower*
 8 *as defined by the Secretary of Transportation.*

9 *(b) TERMS AND CONDITIONS.—An agreement entered*
 10 *into under this section—*

11 *(1) shall be negotiated under such procedures as*
 12 *the Administrator considers necessary to ensure the*
 13 *integrity of the selection process, the safety of air*
 14 *travel, and to protect the interests of the United*
 15 *States;*

16 *(2) may provide a lease option to the United*
 17 *States, to be exercised at the discretion of the Admin-*
 18 *istrator, to occupy any general-purpose space in a fa-*
 19 *cility covered by the agreement;*

20 *(3) shall not require, unless specifically deter-*
 21 *mined otherwise by the Administrator, Federal own-*
 22 *ership of a facility covered under the agreement after*
 23 *the expiration of the agreement;*

1 (4) shall describe the consideration, duties, and
2 responsibilities for which the United States and the
3 private entity are responsible;

4 (5) shall provide that the United States will not
5 be liable for any action, debt, or liability of any enti-
6 ty created by the agreement;

7 (6) shall provide that the private entity may not
8 execute any instrument or document creating or evi-
9 dencing any indebtedness with respect to a facility
10 covered by the agreement unless such instrument or
11 document specifically disclaims any liability of the
12 United States under the instrument or document; and

13 (7) shall include such other terms and conditions
14 as the Administrator considers appropriate.

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